REMARKS

Claims 2 and 6 - 11 are in this application and are presented for consideration. Claims 2 and 6 - 9 have been amended and new claims 10 and 11 have been added.

The specification, drawings, claims and abstract have been amended to improve the style of this application. In particular a substitute specification has been submitted in accordance with the requirement of the Office Action.

Independent claim 1 has been rejected as being anticipated by Smith. Claim 1 has been canceled, and therefore this rejection is now moot.

Independent claim 9 has been rejected as being obvious over Smith '834 in view of Weskamp.

Applicant has reviewed Smith and Weskamp, and finds that these two references use very different approaches for connecting branches to a trunk. In Smith, there is an inside collar 48 and an outside collar 44, where the outside collar 44 slides over the inside collar 48 to fold the branches. All the collars in Smith are moved by a connecting bar 40 so that all of the branches may be folded at the same time. It appears to be an important feature of Smith that the connection of the branches to the trunk be made so that all the branches can be folded by raising a lever 8 which then raises the connecting bar 40.

Weskamp on the other hand has a plurality of individual arms 26 which extend from the trunk. These arms do not appear to fold up, and instead the branches appear to be connected to the arms and the branches fold while the arms stay in position. It appears that in Weskamp, all of the branches must be moved separately. Therefore it is quite clear that Smith and Weskamp take two separate approaches to folding arms.

The rejection states that it would have been obvious to substitute the pivotal pin assembly of Weskamp for the pivotal assembly of Smith in order to provide an alternatively efficient pivotal branch assembly. Applicant's review of both of the references finds no teaching nor suggestion of this substitution of one pivotal assembly for another. It appears that an important feature of Smith is that all of the branches be able to pivot through the movement of one lever 8 and the connecting bar 40. Substituting the pivoting assembly of Weskamp, into Smith, would defeat this simultaneous pivoting of all branches. The modification suggested by the rejection therefore changes the principal of operation of Smith. Applicant notes that such a proposed modification of the prior art is not an indication of obviousness. It is Applicant's position that the motivation set forth in the rejection is therefore untenable.

The rejection also states that such a modification would provide an efficient pivotal branch assembly. It appears that Smith is concerned with having all the branches pivot at once and that this is considered efficient in Smith. To substitute the pivot assembly of Weskamp into Smith, would mean that the arms are not all foldable simultaneously, and this would appear to be inefficient according to Smith. Therefore any suggestion that the pivot assembly of Weskamp would be more efficient than the pivotal assembly of Smith, is clearly not found in Smith. Applicant further finds no indication in Weskamp, that the pivotal assembly of Weskamp is more efficient than that of Smith. Therefore the suggestion to modify the references is not found in the prior art. Applicant notes that an obviousness rejection requires that the suggestion for combining or modifying the references be found in the prior art or the general knowledge, and there is no indication of the general knowledge. Therefore claim 9 further defines over the prior art.

New independent claim 10 sets forth that the branches include support strands twisted together. These support strands are shown in Figures 5 and 6. Figures 5 and 6, and the specification, have been amended to identify the strands by reference numeral 33. Claim 10 then further sets forth that the light strings have electrical conductors which are twisted together. This is also shown in Figures 5 and 6 by reference 43. Claim 10 then sets forth a plurality of clips arranged on the electrical conductors and the support strands to hold the plurality of light strings to the branches. Figures 5 and 6 have been amended to add the reference numeral 62 to show the clips. Applicant has reviewed the prior art, and finds no teaching nor suggestion of this particular combination of twisted support strands for the branches, twisted electrical conductors of the lighting string, and clips surrounding the branches and the electrical conductors to hold the light strings to the branches.

The reference of Smith describes wires 82 and 84 which appear to be inside branches. The reference of Weskamp does not appear to describe light strings at all. Applicant has found that the placement of lighting strings inside branches can be quite difficult, and therefore expensive, especially to the end consumer. Applicant has also found that the combination of forming the branches from twisted strands, and having the electrical conductors of the lighting strings also be twisted, then the lighting strings can be placed on the outside of the branch, without significantly altering the look of the branches. This makes for a light string tree which is visually appealing, and much less costly to manufacture and/or purchase. Applicant notes that in addition, the clips used to hold the light strings to the branches can be decorated to provide an ornamental appearance. Since it is only Applicant who has set forth the combination of twisted electrical conductors and twisted support strands for branches, especially with clips that surround both to hold the electrical conductors on to the branches, claim 10 defines over the prior art.

Claim 11 sets forth that the vanes are spaced from each other by a distance large enough for the pin to be inserted and removed from a respective vane. This allows the present invention to be easily assembled and disassembled. Applicant notes that the reference of Smith, appears to be very difficult to assembly and disassemble. This is disadvantageous from a manufacturing point of view, since it increases the end cost of Smith. This is also disadvantageous from a customer point of view, since the tree cannot be easily further disassembled to reduce the volume even further. The invention of claim 1 is therefore a further improvement over Smith.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

By:
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Registration No. 34,575
McGLEW AND TUTTLE, P.C.

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Enclosed:
Abstract of the Disclosure
(2) Sheets of Replacement Drawings
Petition for One Month Extension of Time
Substitute Specification
Marked-Up Version of the Specification

DATED:
May 26, 2005
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

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McGLEW AND TUTTLE, P.C.

BY: ToniAnn Forte DATE: May 26, 2005

IN THE DRAWINGS:

Figures 5 and 6 have been amended to add the reference numerals 66 and 33.